IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/890,702	**Confirmation No.:** 6219
Applicant	:	Claudio Cabano	
Filed	:	January 9, 2002	
Title	:	METHOD FOR FINDING MEMBERS OF A COMMON	
	:	INTEREST GROUP	
TC/AU	:	2684	
Examiner	:	Sujatha R. Sharma	
Docket No.	:	33835	
Customer No.:		**116**	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131
ESTABLISHING PRIOR INVENTION

Sir:

  This Declaration under 37 CFR 1.131 is filed along with supporting material and an Amendment in response to the Office action of December 22, 2006, and should be considered by the Examiner in light of the response.

DECLARATION UNDER 37 CFR 1.131
ESTABLISHING PRIOR INVENTION

We, as inventors in the above-identified patent application, hereby declare as follows:

1.   Our residences, post office addresses, and citizenship are as stated below next to our names.

2.   In Switzerland, on or before May 19, 1999, we conceived, individually or in concert, of a method and system allowing users of portable devices to find and identify members of a common interest group, to which the above-referenced U.S. patent application is directed.

3.   We have read and understood the above-referenced U.S. patent application, including entered claims 1-52 as presently amended and new claim 53 as presently provided.

4.   It is our belief that the whole invention as set forth at least in Claims 1, 40-42 and 51-53 of the above-referenced patent application was in our possession on or before May 19, 1999. Specifically, with reference to the cited claims, our invention included a method and apparatus (or system) for building at least one database in which a plurality of interest groups are stored and profile information, including characteristics of the members of the interest groups, are also stored. Furthermore, these interest groups would include users of terminals or mobile devices. Also provided is at least one server accessible from within a radio network for accessing the data in the database, and for sending a message to at least one of the members of the common interest group if another member (or members) is in the vicinity of the member of the interest group. The user can be detected in the vicinity by, for example, a GPS system. The provided

such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1)   Inventor Name: Claudio Cabano

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     Date: _____

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3)   Inventor Name: Adriano Huber

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Attachments:
     Appendix A (11 pp.)
     Disclosure (5 pp.) and Translation (2 pp.)

swisscom

Memo
For internal use only

Erfinder

From Adriano Huber, David Perels, Claudio Cabano

Copy to Eric Lauper

Date

Subject Mobile Meet Friends and Business Partners

Cc

Patent Idea for Mobile Meet Friends and Business Partners

Abstract/Scope

The post-industrial society is changing quickly. People are loosing their roots, need to work in a more inter-connected world, need to meet other people, need to keep contact with older friends or business partners. This applies both to the private environment as to the business environment.

The introduction of new mobile computing technologies enables the provision of a service that fullfill all these needs. This description addresses the methods necessary to provide these services.

Functionality

Different Groups: User, Group, Community

Create/Admin User, Group, Community

Personal / Business / Info

Profiling

Loyalty programs

Preferred Meeting Points

Alerts

Meetings

Active/Passive meeting establishment (push/pull)

Positioning vs. privacy

Anonymity vs. Certification of identity

Negotiation/confirmation

Preferred I/O (various devices or access methods)

Device

Web Homepage

Fundgrube

Conferences

Swisscom AG, Bern   OU   MC-BD-NS-2
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Business Development   Fax   +41 32 342 5174   WE980305\ideas\meetfriends\idea_me
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swisscom

Games

Communities: anonymous , temporary,....

Technical

Localisation/Polling

Bluetooth, short range

Broadcasting (for parties, broadcast an alle der der gleiche Community gehören.)

Database in the Network

Profile brooker (für Roaming, mapping von Profile)

Interfaces (PC, TV, DAB, Mobile, Bluethooth&Jini, Proximity Detector, short range detectors, pager, mail, ...)

Web interface

Download von Profiles to the phone (phone, organiser, watch).

2 possible solutions:

1) proximity detector -> triggers the process when corresponding transmitter is in range (Lovegetty priciple)

2) network side monitoring of all subscribers participating

In order not to continuously monitor the interactions some meeting points can be defined. The server checks the positions only when near to the meeting points.

Profile:

- alter etc

- fotos

- interessen

- an Austellungen gegangen

- schlaue funktion um profil auf

Admin

Timedependent

User / Group / Community

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Location (Meeting Points)

Personal profile: new friends, old friends, new business partners, old business partners.

Device, I/O interfaces

Possible interested partners for such a service

Swisscom (Mobile, DM, Broadcast)

Partners (Branding…)

Meeting Points: Loeb, MacDonalds, Lorenzini, Kincs, SBB

SRG,DRS, Local,… (?)

Device

Mobile Phone

New: special device with GPS, GSMlignt, watch, clips,…

Technical solutions

get in the system/ subscribe the service

set up a group

register for a group

activate the monitoring or the beacon transmitter (2 possible solutions)

trigger the process (the database check) when near to a Meeting Point or near a

trigger the process when near to an active transmitter

information of possible meeting

negotiation of credentials

communication (possibility to directly call the user)

guidance to the meeting

get out from the system/ unsubscribe the service

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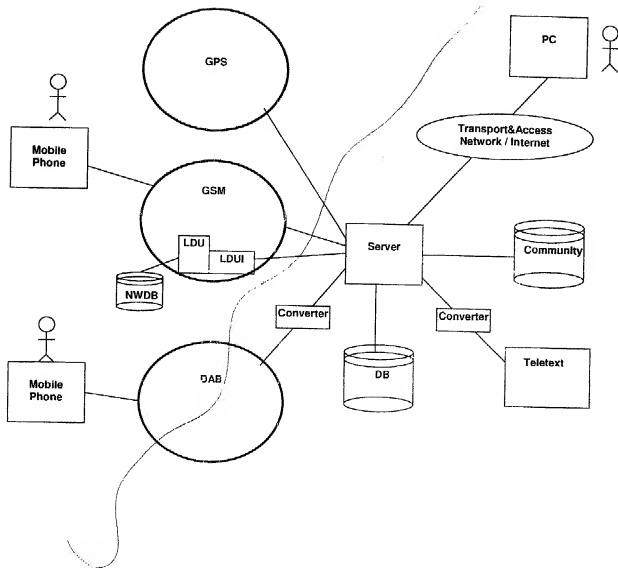
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Profilierung datenbank

- profilierung
- koordinaten
- aufträge
- aktiv oder passiv (nicht gestört werden)

Mapquest/datenbank

Prozess

User schaltet ein.

Monitor für aktive leute

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Document 4: Swisscom memo dated ██████████

((p. 1))

Memo
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only

From   Adriano Huber, David Perels, Claudio Cabano
Date   ██████████
Subject Mobile Meet Friends and Business Partners

Patent idea for Mobile Meet Friends and Business Partners

Abstract/Scope

((already in English))

Functionality

((already in English save the word "Fundgrube" which means: "treasure
trove"))

((p. 2))

Memo
For internal use
only

Games

((already in English))

Technical

Localisation/polling
Bluetooth, short range
Broadcasting (for parties, broadcast to all those who belong to the same
community)
Database in the network
Profile brooker (for roaming, mapping of profile)
Interfaces (PC, TV, DAB, mobile, Bluetooth & Jini, Proximity Detector,
short range detectors, pager, mail…)
Web interface
Download of profiles to the phone (phone, organizer, watch)

2 possible solutions:

((already in English))

Profile:

-   age etc.
-   photographs
-   interests
-   went to exhibition
-   smart function for generating profile

Admin

((already in English))

Possible interested partners for such a service

((already in English))

Device

((already in English))

Technical solutions

((already in English))

((p. 3))

Profiling database

- profiling
- coordinates
- orders
- active or passive (do not disturb)

Mapquest / database

Procedure

User switches on
Monitor for active people

((p. 4))

((already in English))

Appendix A

Below is a mapping of the claims to pertinent materials found in the support documentation.

1   1. (currently amended) A method for finding members of a
2   common interest group with a mobile device, said method
3   comprising the steps of:

4   building at least one database **[pg. 2: under technical:**
5   **"database in the network"; pg. 5: database block]** in
6   which a plurality of interest groups are stored **[pg.**
7   **1 "different groups" pg. 3 "set up a group" and**
8   **"register for a group"],** these interest groups
9   comprising users of terminals **[pg. 5 terminal blocks],**

10   storing the database in at least one server accessible from
11   within a radio network, **[pg. 1: "web homepage"; pg. 2:**
12   **"database in the network"; pg. 5: server block**
13   **connected to database block]**

14   sending a message to at least one of said members if he is
15   in the vicinity of another of said members of the
16   common interest group, **[pg. 1: "alerts" pg. 2:**
17   **"proximity detector triggers process" and "broadcast**
18   **to all those who belong to same group"; pg. 3 "trigger**

19   **the process when near to an active transmitter″ and**

20   **″communication (possibility to directly call user″)]**

21   wherein said message includes <u>identification</u>

22   <u>characteristics</u> **[pg. 2: Profile includes photograph,**

23   **age, etc.];** and

24   **said mobile device [pg 5 ″mobile phone″]** <u>providing said</u>

25   <u>identification characteristics to said at least one of</u>

26   <u>said members</u> for enabling the identification of the

27   another of said members by the one of said members

28   **[consequence of identification characteristics].**

1   40. (currently amended) A system with which members of a

2   common interest group can find other members, comprising:

3   at least one server accessible from a radio network **[pg. 1:**

4   **″web homepage″; pg. 2: ″database in the network″; pg.**

5   **5: server block connected to database block],** in which

6   at least one database **[pg. 2: under technical:**

7   **″database in the network″; pg. 5: database block]**

8   including a plurality of interest groups stored

9   therein **[pg. 1 ″different groups″ pg. 3 ″set up a**

10   **group″ and ″register for a group″],** these interest

11   groups comprising mobile phone users **[pg. 2 ″download**

12   **to phone″; pg 5 ″mobile phone″],**

13   location determining means for monitoring the location of

14   the members **[pg. 2 "proximity sensor"; pg. 5, "GPS"]**,

15   means for determining if one or more of the members of the

16   common interest group are simultaneously situated

17   within a predefined distance of each other **[pg. 2**

18   **"proximity sensor" and "in range"]**,

19   means for sending messages if it is determined that said

20   one or more of the members of the common interest

21   group are simultaneously situated within said

22   predefined distance of each other **[pg. 1: "alerts" pg.**

23   **2: "proximity detector triggers process" and**

24   **"broadcast to all those who belong to same group"; pg.**

25   **3 "trigger the process when near to an active**

26   **transmitter" and "communication (possibility to**

27   **directly call user")]** wherein said message includes

28   <u>identification characteristics</u> **[pg. 2: Profile**

29   **includes photograph, age, etc.],** and

30   said mobile device including means <u>providing said</u>

31   <u>identification characteristics to said members</u> **[pg. 2:**

32   **"download profiles to phone"; pg. 2 profile includes**

33   **photograph],** for enabling <u>said members to recognize</u>

34   said one or more of said members **[Consequence of**

35   **identification characteristics].**

1   41. (currently amended) A method for finding members of a

2 common interest group with a mobile device, said method

3 comprising the steps of:

4   building at least one database **[pg. 2: under technical:**

5   **"database in the network"; pg. 5: database block]** in

6   which a plurality of interest groups are stored **[pg. 1**

7   **"different groups" pg. 3 "set up a group" and**

8   **"register for a group"],** these interest groups

9   comprising users of terminals **[pg. 2 "download to**

10   **phone"; pg 5 "mobile phone" and figure generally],**

11   said database including <u>identification characteristics</u>

12   for at least some of the users **[pg. 2: Profile**

13   **includes photograph];**

14   storing the database in at least one server accessible from

15   within a radio network **[pg. 1: "web homepage"; pg. 2:**

16   **"database in the network"; pg. 5: server block**

17   **connected to database block],**

18   sending a message including said<u> identification</u>

19   <u>characteristics</u> for one of said members to at least

20   another of said members **[pg. 2: "download profiles to**

21   **phone"; pg.1 profile includes photograph]** if he is in

22   the vicinity of the another of said members of the

23   common interest group **[pg. 1: "alerts" pg. 2:**

24   **"proximity detector triggers process" and "broadcast**

25   **to all those who belong to same group"; pg. 3 "trigger**

26   **the process when near to an active transmitter" and**

27   **"communication (possibility to directly call user")],**

28   and

29   specifically billing a party for said sending of said

30   message [pg. 2 "profile broker"].

1   42. (previously presented) A method for finding members of

2 a common interest group with a mobile device, said method

3 comprising the steps of:

4   building at least one database **[pg. 2: under technical:**

5   **"database in the network"; pg. 5: database block]** in

6   which a plurality of interest groups are stored **[pg. 1**

7   **"different groups" pg. 3 "set up a group" and**

8   **"register for a group"],** these interest groups

9   comprising users of terminals **[pg. 5 terminal blocks],**

10   storing the database in at least one server accessible from

11   within a radio network **[pg. 1: "web homepage"; pg. 2:**

12   **"database in the network";**

13   storing a predetermined message criterion different from

14   membership in said common interest group for

15   determining when a message is sent to one of said

16   members **[pg. 3 "active or passive (do not disturb)";**

17   **"user switches on monitor for active people"];** and

18   sending said message to the one of said members if he is in

19   the vicinity of another of said members and only if

20   said message criterion is satisfied **[Id.],** wherein

21   said message contains physical identification

22   characteristics **[pg. 2: profile information]** that

23   enable the personal recognition of the another of said

24   members by the one of said members **[consequence of**

25   **physical identification characteristics].**

1   51. (currently amended) A method for finding members of a

2 common interest group, said method comprising the steps of:

3   providing a database **[pg. 2: under technical: "database in**

4   **the network"; pg. 5: database block]** for storing a

5   plurality of digital photographs **[pg.2 profile**

6   **includes photograph],** wherein each of said photographs

7   corresponds to a different one of the members **[pg.2**

8   **profile information; pg. 1 "different groups" pg. 3**

9   **"set up a group" and "register for a group"],**

10   storing the database in at least one server accessible from

11   within a radio network **[pg. 1: "web homepage"; pg. 2:**

12   **"database in the network"; pg. 5: server block**

13   **connected to database block],**

14 determining when one of said members is in the vicinity of

15   another of said members utilizing a mobile device of

16   the one of said members and a mobile device of the

17   another of said members **[pg. 1: "alerts" pg. 2:**

18   **"proximity detector triggers process" and "broadcast**

19   **to all those who belong to same group"; pg. 3 "trigger**

20   **the process when near to an active transmitter" and**

21   **"communication (possibility to directly call user")];**

22 sending the digital photograph corresponding to the one of

23   said members to the mobile device of the another of

24   said members when it is determined that the one of

25   said members is in the vicinity of the another of said

26   members **[Id. and pg. 2: Profile includes photograph,**

27   **pg. 2: "download profiles to phone"; pg.1 profile**

28   **includes photograph]** and

29 <u>utilizing</u> said mobile device of the one of said members for

30   enabling the visual identification of the another of

31   said members by the one of said members **[consequence**

32   **of photograph].**

1 52. (previously presented) A method for finding members of

2 a common interest group, said method comprising the steps of:

3   providing a database for storing identifying information

4   about each of said members **[pg. 2: profile**

5   **information],**

6   storing the database in at least one server accessible from

7   within a radio network **[pg. 1: "web homepage"; pg. 2:**

8   **"database in the network"; pg. 5: server block**

9   **connected to database block],**

10   determining when one of said members is in the vicinity of

11   another of said members utilizing a mobile device of

12   the one of said members and a mobile device of the

13   another of said members **[pg. 1: "alerts" pg. 2:**

14   **"proximity detector triggers process" and "broadcast**

15   **to all those who belong to same group"; pg. 3 "trigger**

16   **the process when near to an active transmitter" and**

17   **"communication (possibility to directly call user")];**

18   sending said identifying information corresponding to the

19   one of said members to the mobile device of the

20   another of said members when it is determined that the

21   one of said members is in the vicinity of the another

22   of said members **[pg. 2: "download profiles to phone";**

23   **pg. 2 profile includes photograph],**

24   said mobile device of the one of said members using said

25   identifying information for display to the one of said

26   members for enabling identification of the another of

27   said members by the one of said members , and

28   the one of said members getting into direct contact with

29   the another of said members by using the displayed

30   identifying information for identifying the another of

31   said members **[pg. 1 "preferred meeting points",**

32   **"meetings", "conferences",pg. 3 "meeting points"].**

1   53. (new) A method for finding members of a common interest

2 group with a mobile device, said method comprising the steps of:

3   building at least one database **[pg. 2: under technical:**

4   **"database in the network"; pg. 5: database block]** in

5   which a plurality of interest groups are stored **[pg. 1**

6   **"different groups" pg. 3 "set up a group" and**

7   **"register for a group"]**, users of terminals **[pg. 5**

8   **terminal blocks]** being members of these interest

9   groups,

10   providing at least one server accessible from within a

11   radio network for utilizing said database **[pg. 1: "web**

12   **homepage"; pg. 2: "database in the network"; pg. 5:**

13   **server block connected to database block],** and

14   said server sending a message to at least one of said

15   members if he is in the vicinity of another of said

16   members of the common interest group **[pg. 1: "alerts"**

17   **pg. 2: "proximity detector triggers process" and**

18   **"broadcast to all those who belong to same group"; pg.**

19   **3 "trigger the process when near to an active**

20   **transmitter" and "communication (possibility to**

21   **directly call user")],** wherein

22 said message contains personal profile information related

23   to the another of said members **[pg. 2: "download**

24   **profiles to phone"; pg. 2 profile includes personal**

25   **information].**

<div align="center">

REMARKS

</div>

The above claims have been mapped to the supporting the disclosure information attached to the DECLARATION UNDER 37 CFR 1.131 ESTABLISHING PRIOR INVENTION to which this appendix is also attached and made part of. Pointers to least some of the pertinent supporting materials are provided in bold brackets after the relevant claim element/limitation, but there may be additional supporting material provided in the disclosure. The date information has been redacted from this document, but is prior to May 19, 1999, as supported, under penalty of perjury, by the inventors' declaration. It is noted that this disclosure information is not necessarily a complete representation of the invention as it existed at the time of its generation, but is instead merely some evidence of the actual invention in the possession of the inventors for supporting the declaration of the inventors.

Please note that the attached disclosure information is provided with some of the material in the Swiss German language, and a translation of this material is provided at the end of the disclosure as an additional attachment.

This appendix has been prepared by the below signed representative of the applicant and has been reviewed by applicant and made part of, and is incorporated in, the Declaration to which it is attached.

Respectfully Submitted,

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